

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-4 and 14-16 remain in this application. Claims 1-4 have been amended. Claims 5-13 have been canceled. Claims 14-16 have been added.

II. CLAIM REJECTIONS – 35 U.S.C. § 102

The Office Action rejects Claim 4 under 35 U.S.C. § 102 as anticipated by the Gales Article: “Creatives find ‘Bookends’ a Solution to Viewer Apathy.” The rejection is respectfully traversed.

Claim 4 has been amended to clarify the claimed invention and appears as follows:

4. A process for enhancing the viewership of television advertisements in a digital video recorder (DVR) environment, comprising the steps of:

designating a beginning portion and end portion of a television advertisement;

wherein each portion is of a predetermined length of time; and

wherein said beginning portion and said end portion contain more important content designed to get a desired message across to a viewer in the predetermined length of time.

In particular, the Gales article does not teach or disclose a system that designates a beginning and end portion of a television advertisement as claimed in Claim 4.

The Office Action refers to the Gales article and states that the Gales article discloses:

“... splitting of an advertisement into two 15 second spots ...”

Gales teaches away from what is claimed in Claim 4 by teaching that an advertisement is physically split into two 15 second spots. This is not what is claimed in Claim 4. Claim 4 cites that a beginning portion and/or end portion is designated in a television advertisement. Therefore, the Gales article does not contemplate what is claimed in Claim 4.

Anticipation under 35 U.S.C. § 102 requires a reference to teach or disclose each and every element, limitation, or step of a claim. Since Claim 4 includes at least one element not found in the Gales article, the Gales article does not anticipate Claim 4 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejects Claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Gales Article: “Creatives find ‘Bookends’ a Solution to Viewer Apathy in further view of Automotive News: Audi Ads focus on technology.” The rejection is respectfully traversed.

Claim 1 has been amended to clarify the claimed invention and appears as follows:

1. A process for enhancing the viewership of television advertisements in a digital video recorder (DVR) environment, comprising the steps of:

designating a beginning portion and end portion of a commercial break in a program segment;
wherein each portion is of a predetermined length of time; and
wherein said beginning portion and end portion are authored to provide a teaser to entice a viewer to watch commercials during the break.

In particular, the Gales article does not teach or disclose designating a beginning portion and end portion of a commercial break in a program segment as claimed in Claim 1. The Gales article does not contemplate such. The Gales article teaches away from designating a beginning portion and end portion of a commercial break in a program segment by teaching that an advertisement is physically split into two 15 second spots.

Therefore, the Gales Article in view of the Audi article does not teach or disclose the invention as claimed.

Claim 1 is in allowable condition. Claim 2 is dependent upon independent Claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

IV. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejects Claims 3 under 35 U.S.C. § 103(a) as being unpatentable over Gales Article: “Creatives find ‘Bookends’ a Solution to Viewer Apathy in further view of Automotive News: Audi Ads focus on technology and Reichardt et al. (US 2002/0124255 A1).” The rejection is respectfully traversed.

The rejection under 35 USC §103(a) is deemed moot in view of Applicant’s comments regarding Claim 1, above. Claim 3 is dependent upon independent Claim 1.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

V. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

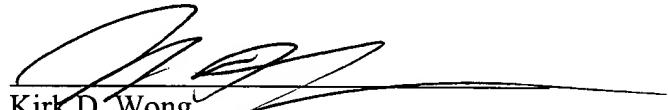
The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: June 23, 2005


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on June 23, 2005
(Date)

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